



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,412	10/21/2003	Charles W. Krespach	242-321	5950

7590 09/20/2006

Robert H. Earp, III
McDonald, Hopkins Co., LPA
600 Superior Avenue E.
Suite 2100
Cleveland, OH 44114-2653

EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,412	Applicant(s) KRESPACH ET AL.	
	Examiner Tony H. Winner	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,17-19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,17-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Acknowledgment

1. Receipt of the amendment filed 6/30/06 has been acknowledged and entered.
Claims 2-3, 10-16, 20-21, and 26-35 have been canceled.

Withdraw Previously Allowed Claims

2. The indicated allowability of claims 4-7 and 24-25 (limitations of cancelled claims 2-3 have been incorporated into claim 1) are withdrawn in view of the newly discovered references to Tambornino (USPN. 6,709,002 B2), Chene et al. (USPUB. 2005/0246869 A1), and Templeman (USPN. 4,565,345).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 8-9, and 17-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tambornino (USPN. 7,708,002 B2) in view of Templeman (USPN. 4,565,345).

Tambornino discloses all of the structural as claimed, the towing assembly (figure 6), comprising:

- a. a hitch ball receiver having at least one cavity;
- b. a hitch ball (18);

- c. a member connected with the hitch ball.

Tambornino lacks the teaching of a member engageable with the cavity to prevent rotation of the hitch ball during installation.

Templeman discloses a mirror assembly for a vehicle, the structure comprising:

- a. a member (38) engageable with a cavity of the base (7) so as to prevent rotation of the member structure,
- b. the base also includes a second recess.

Based on the teaching of Templeman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hitch ball assembly of Tambornino to include the engageable member with a circular recess hitch ball receiver of Templeman so as to provide a positive locking, thus, preventing relative rotation between two members.

With regard to claims 4-5, 8, 9, 17-19, and 22-24 Tambornino as modified by Templeman discloses all of the claimed limitations.

4. Claims 6-7 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tambornino as modified by Templeman and in view of Chene et al. (USPUB. 2005/0246869 A1).

Tambornino as modified by Templeman is disclosed above but lacks the teaching of a spacer.

Chene discloses a clamping ring utilizing a spacer (18) to facilitate the fastening of a nut and bolt structure.

Based on the teaching of Chene, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hitch ball/receiver assembly of Tambornino as modified by Templeman to include the spacer of Chene recess hitch ball receiver of Templeman so as to facilitate the fastening of a nut and bolt structure.

With regard to claims 7 and 25, Tambornino as modified by Templeman and Chene discloses the claimed invention but lacks the teaching of a recess that substantially oval shape with two parallel flats. The Examiner takes position that it would have been an obvious matter of design choice to make the recess in any particular pattern (e.g. square, hexagon, triangle..etc) to suite an application and since the applicant has not disclosed that by selecting any particular pattern listed above would solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the present teaching.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

6. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 3611

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



TONY WINNER
PATENT EXAMINER

September 13, 2006